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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,227	01/10/2002	Koh Hiratsuka	01465/LH	8991

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EXAMINER	
QUIETT, CARRAMAH J	
ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/044,227	HIRATSUKA, KOH	
	Examiner	Art Unit	
	Carramah J. Quiett	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it contains more than one paragraph.

Correction is required. See MPEP § 608.01(b).

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting

ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/236,189. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the present Application No. 10/044,227 claims the same invention in claim 1 of copending Application No. 10/236,1891. Application No. 10/236,1891 is a system claim and Application No. 10/044,227 is a mean plus function claim.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa (U.S. Patent No. 6,816,192) in view of Sasson et al. (U.S. Patent No. 5,016,107).

Nishikawa discloses an apparatus for MPEG conversion (fig. 1, ref. 204) which converts digital video signals transferred from a digital video camera (refs. 100/200) to a communication

interface unit (ref. 300) into MPEG data (col. 2, line 39 – col. 3, line 23) and writes converted data into an apparatus for keeping data (refs. 205), wherein the transferred digital video signals are temporarily written into a working area (ref. 203) (col. 3, lines 24-35) or*, *when the conversion cannot keep up with the transfer of the digital video signals, a portion of the digital video signals which cannot be processed by a real-time conversion into MPEG data is written into the working area while the conversion is conducted, and the digital video signals written into the working area are converted into MPEG data and then written into the apparatus for keeping data*, the apparatus for MPEG conversion comprising:

means (ref. 207) for stopping transfer of the digital video signals by sending a command to the digital video camera (col. 5, lines 10-25); and

means for starting transfer of the digital video signals by sending a command to the digital video camera (col. 3, lines 47-58).

However, Nishikawa does not expressly disclose digital video signals transferred from a digital video camera to a personal computer. He also does not expressly disclose sending a command to the digital video camera when a capacity of the working area is completely occupied and sending a command to the digital video camera when a vacancy is found in the capacity of the working area.

In a similar field of endeavor, Sasson teaches a means (fig. 1, ref. 20) for stopping transfer of the digital video signals by sending a command to the digital video camera (ref. 1) when a capacity of the working area (ref. 18) is completely occupied (col. 5, lines 2-22); and means (fig. 1, ref. 20) for starting transfer of the digital video signals by sending a command to the digital video camera when a vacancy is found in the capacity of the working area (col. 5,

lines 2-22). In light of the teaching of Sasson, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the compression apparatus of Nishikawa to send a command to the digital video camera when a capacity of the working area is completely occupied and send a command to the digital video camera when a vacancy is found in the capacity of the working area. This modification allows the camera's processor to operate on blocks of image signals and obtain processing advantages without disturbing the stacking up of images in the working area (i.e. memory or buffer). Please read Sasson, col. 2, lines 59-65.

Examiner takes Official Notice that it is well known in the art for an apparatus to transfer digital video signals from a digital video camera to a personal computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the compression apparatus of Nishikawa to transfer digital video signals from a digital video camera to a personal computer to provide an output/receiving device for videoconferencing, sending video images, etc.

***Note:** The U.S. Patent and Trademark Office considers Applicant's "or" language to be anticipated by any reference containing one of the subsequent corresponding elements. Accordingly, Examiner has not considered the limitations in claim 1, which appear in italicized font above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Igarashi et al. (U.S. Pat. #6,469,737)	Video images transferred to a personal computer.
Acosta et al. (U.S. Pat. #6,166,729)	A method for remotely viewing a digital image of a location including steps of acquiring a digital image of

	the location, transmitting the digital image, receiving the digital image, and serving the digital image to a select computer connected to a network served.
Fujimori (U.S. Pat. #5,027,214)	An image pickup device with a recording medium having a predetermined capacity.
Negishi et al.	Digital images sent to a computer via a MPEG multiplexing apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJQ
June 23, 2006

NGOC-YEN VU
SUPERVISORY PATENT EXAMINER